Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matters of	)	
	)	
Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act	)	GN Docket No. 09-137
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51

COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.

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In these Comments, Qwest Communications International Inc. ("Qwest") responds to the Notice of Inquiry released by the Commission on August 7, 2009 ("*Section 706 NOI*").

I. INTRODUCTION AND SUMMARY

In its *Section 706 NOI*, the Commission commences its sixth inquiry into whether, pursuant to the directive of Section 706 of the Telecommunications Act of 1996, as amended by the Broadband Data Improvement Act ("BDIA"),[1] "advanced telecommunications capability is being deployed to all Americans in a reasonable and timely manner." This inquiry, however, is commenced after a number of statutory and policy changes that are designed to ensure that all Americans have access to broadband and advanced telecommunications capability.[2]

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[1] 122 Stat. 4096 (2008).

[2] *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, A National Broadband Plan for Our Future*, GN Docket Nos. 09-137, 09-51, *Notice of Inquiry*, FCC 09-65, rel. Aug. 7, 2009 ¶ 2 ("*Section 706 NOI*").

The revised approach to the Section 706 inquiry will provide the Commission with a wealth of information as to where broadband is deployed and where it is not. Qwest anticipates that this data will show that while there are areas where more needs to be done to promote the deployment and adoption of broadband there are areas where the status quo is delivering results. In these areas, carriers are advertising services that can support speeds of 40 mbps and above, with some breaking the 100 mbps barrier. High penetration rates in the more densely populated areas of the U.S. is fueling competition and investment which is fueling rapidly evolving services. In these areas, the Section 706 mandate is being fulfilled.

As with other agencies, the Commission has been tasked by Congress with implementing vital components of the stimulation of broadband deployment in unserved and underserved areas of the Unites States.[3] And the Commission is subject to similarly tight deadlines in accomplishing its designated tasks. At the same time, however, the Commission has been appointed to be the steward of a national broadband plan ("NBP"). While the Commission is under a tight deadline to define and implement such a plan, the plan's impact will stretch much longer. The Commission is well suited to this task because pursuant to Section 706 of the Telecommunications Act, the Commission has been the entity charged with promoting the deployment of advanced telecommunications capability since 1996. In fact, as the *Section 706 NOI* recognizes many of the issues pertaining to the national broadband plan are issues that the Commission has dealt with, and continues to deal with, in the context of Section 706.[4]

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[3] For instance, the Commission must share Form 477 data with the NTIA and RUS, it must conduct a comparative international study regarding broadband deployment, and survey of consumer adoption of broadband.

[4] *Section 706 NOI*, ¶ 14.

The advantage of a comprehensive set of information will be the ability it provides to the Commission to target its efforts and resources to areas most in need of subsidized investment. With such comprehensive information, particularly the information compiled via the various broadband data gathering projects, the Commission will be able to identify where Americans have access to broadband and where such access is lacking. In those areas in which broadband access is lacking, the Commission is directed, pursuant to Section 706, to "take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market."[5]

In these comments, Qwest identifies an approach that will become a significant aspect of the quest to remove barriers to investment by recognizing the correct investment incentives to carriers in regard to broadband deployment. Qwest's definition of broadband, which it proffered in response to the Commission's NBP Public Notice #1,[6] reflects the vital incentives to carriers to deploy broadband in unserved and underserved areas. Qwest will also identify areas in which further Commission action is not necessary such as "middle mile" facilities. Finally, Qwest identifies ways in which the quest to obtain the most comprehensive set of data regarding broadband deployment may be balanced with a desire not to overburden carriers with reporting requirements that may impede their broadband deployment efforts.

II. QWEST'S PROPOSED DEFINITION OF BROADBAND REFLECTS THE INCENTIVES TO PROMOTE DEPLOYMENT IN UNSERVED AND UNDERSERVED AREAS

The Commission faces a quandary in unserved and underserved areas because Section 706 calls for the deployment of advanced telecommunications capability to all Americans. There

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[5] *Section 706 NOI*, at ¶ 65, *citing*, 47 U.S.C. § 1302(b).

[6] *See* Qwest Comments-NBP Public Notice #1, GN Docket Nos. 09-47, 09-51 and 09-137, filed Aug. 31, 2009.

is no doubt that the unserved and underserved areas require the type of immediate action that Section 706 calls for to accelerate deployment. The problem is that in other areas broadband is thriving. The question arises as to how the Commission should reflect this division in its policy making. As a first step, the Commission, when defining broadband should apply a definition that reflects the fact that there is a certain basic threshold that needs to be met for "all Americans" while at the same time reflecting the technical, economic, and end user usage realities of the market. As detailed further below, in its comments on NBP Public Notice #1, Qwest proposed a tiered approach to defining broadband. This definition is flexible enough to be forward-looking while also remaining contemporaneously accurate, and in this regard promotes the mandate of Section 706.

There has always been an inherent tension in the Section 706 Reports issued by the Commission. On one hand, the Reports indicate robust subscribership levels and gains. For instance, in 1999, in its first report pursuant to Section 706, the Commission found that at least 375,000 residential consumers were purchasing broadband services, and that substantially more have access to broadband capability.[7] In June 2007, the Commission's Fifth Report indicated that there were 61.1 million residential advanced service lines.[8] The number of high-speed lines – those lines with speeds of over 200 kbps in at least one direction – has increased from 27.7 million in December 2003 to 100.9 million in June 2007.[9] But with this incredible growth came residual concerns that broadband penetration rates were uneven nationally with rural areas

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[7] Section 706 First Report Press Release (Jan. 28, 1999).

[8] *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, Fifth Report, 23 FCC Rcd 9615, 9632 ¶ 33 (2008).

[9] *Id.*

lagging far behind.[10] Congress propelled this issue further into the national spotlight by making broadband deployment to unserved areas a crucial component of its stimulus package. Even before the stimulus funding, Congress overhauled the requirements of Section 706 via its enactment of the Broadband Data Improvement Act in October, 2008. The revisions to Section 706 were designed to improve the quality and quantity of data that the Commission collects on the deployment and adoption of broadband again with a focus on extending broadband to unserved and underserved areas.[11]

The disconnect between high broadband subscription levels and low rural broadband penetration indicates that the Commission does not need to drastically overhaul its efforts to promote broadband. The huge growth in subscribership in the last decade demonstrates that overall broadband has been deployed in a reasonable and timely manner as the Commission has repeatedly noted in its reports. But at the same time, Qwest shares the Commission's concern about the problems of extending the benefits of broadband to rural areas. As an ILEC whose service areas are overwhelmingly rural, Qwest is well aware of the difficulties in pushing broadband out to these areas. Clearly the status quo is not working in regard to rural deployment and change is needed. But the change should be surgically focused on these areas so as to not disturb the robust broadband deployment in other areas. Thus, in response to the Commission's ultimate query of what it can do to promote broadband, Qwest posits that it should target the areas in need of broadband and not disrupt the areas in which the status quo is working.

In practice, this means a targeted focus of resources and regulation on rural areas and a

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[10] *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, Fourth Report, FCC 04-208, Dissenting Statement of Commissioner Jonathan S. Adelstein (2004).

[11] *Section 706 NOI*, ¶ 15.

continued deference to market forces in higher density areas. This focus entails a devotion of mapping resources and efforts to identifying the unserved and underserved areas. Once these areas are identified the Commission should embrace the use of universal service funds to promote broadband deployment in high-cost rural areas. This is a position that Qwest has advocated since the issuance of its July 2007 White Paper in which it detailed a new proposed universal service strategy designed to promote the deployment of broadband deployment to unserved areas.[12]

This week, in response to the Commission's request for comment on a definition of broadband for purposes of the National Broadband Plan,[13] Qwest articulated a definitional approach rooted in the principles espoused in its White Paper, and tailored to incentivize the deployment of broadband in unserved areas. As stated in our Comments, the Commission needs to apply a tiered approach in defining broadband for the purposes of promoting deployment in unserved and underserved areas.[14] The definition for current broadband availability should be rooted in the Commission's current definitional approach to broadband in its Form 477 report, *i.e.*, the definition should track the Basic Broadband Tier 1 service.[15] For purposes of any subsidy funding, however, Qwest proposed that the Commission establish a minimum threshold in the range of 7 to 10 Mbps for broadband services to be deployed. In addition, the Commission

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[12] *See ex parte* to Marlene H. Dortch, Federal Communications Commission from Melissa E. Newman, Qwest, CC Docket No. 96-45, filed July 9, 2007 and its attachment, "Qwest's Proposal For Broadband Deployment To Unserved Areas" ("Qwest White Paper").

[13] Public Notice, *Comment Sought on Defining "Broadband", NBP Public Notice #1*, DA 09-1842, rel. Aug. 20, 2009.

[14] Qwest Comments-NBP Public Notice #1 at 6-8.

[15] This tier includes broadband services in the 768 Kbps-1.5 Mbps range.

should incorporate industry standards in regard to minimum latency, jitter and packet loss.[16] As Qwest noted in its NBP Broadband Definition comments, "[c]ollectively these category definitions would strike the right policy balance for these policy contexts, balancing technical, economic, and end user usage considerations." These thresholds should be periodically reviewed and revised to maintain a good balance based on policy considerations.[17]

III. THE COMMISSION SHOULD NOT CREATE A SPECIAL BROADBAND CATEGORY FOR "MIDDLE MILE" SERVICES AND/OR FACILITIES

An additional component of a targeted approach in the promotion of broadband is the application of a more deferential approach in areas in which the status quo seems to be working well or in which the current regulatory framework is providing adequate monitoring. One such area pertains to "middle mile" and special access facilities/services. The Notice asks a series of questions concerning treatment of what are called "middle mile" facilities and services.[18] As far as can be determined, "middle mile" facilities, while often used in a number of differently nuanced senses, are generally considered to be unswitched third-party connections between two networks.[19] There is nothing inherently unique about middle mile facilities, and there is no reason to deviate from the fundamental principle of defining broadband services based on speed and other technical aspects of a service or a facility, whether they are used to connect separate networks or not.

This is especially the case because, in all instances (by definition), middle mile facilities

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[16] The proposed performance indicator thresholds were less than 150ms latency, less than 30ms jitter, and less than 1% packet loss. Qwest Comments-NBP Public Notice #1 at 7.

[17] Qwest Comments-NBP Public Notice #1 at 3.

[18] *Section 706 NOI*, ¶ 39 and n.132.

[19] The Notice provides a number of examples of "middle mile" facilities—connections between Internet access points and the Internet, connections between wireless carriers' premises and wireline carrier facilities, and the like. *Id.*

are completely capable of self-provisioning. That is, the customers of "middle mile" facilities and services are themselves providers of telecommunications and information services whose choice to use the "middle mile" facilities of a third party is an economic one. A wireless carrier desiring to link its facilities with those of a wireline network has a number of options available that are generally price-based. The wireless carrier can rely on the carrier facilities of an ILEC (special access) or other carrier, engage a private contractor to provide the facilities on a private carriage basis, or construct the facilities itself. If the facility is a broadband facility based on transmission speed or whatever other transmission characteristics the Commission chooses to attach to the definition, then that fact alone should be determinative of its classification. Who constructed, owns or operates the facility is irrelevant.

Moreover, while "middle mile" facilities are customarily viewed as connecting different networks or different types of networks, there is no reason why unswitched connections between two networks of the same type (and under common ownership) should be excluded from the classification. Defining a specific type of broadband facility based on the fact that it used to connect networks is ultimately unworkable and should be avoided.

Special access presents an even more strained situation. Special access delineates a regulatory category—LEC-provided point-to-point services. Most ILEC special access facilities fit within the definitions of broadband service discussed in this Notice. Like any other broadband facility or service, ILEC special access can be used to connect separate networks. Also, because they are common carrier services, special access services are subject to the provisions of Title II of the Communications Act (and concomitant regulation by state regulators for intrastate services). Regulation of ILEC special access services is an important issue before the Commission, especially as competitive alternatives to ILEC special access services continue

to emerge and be deployed. But these issues are only tangentially related to this docket, and the Commission should avoid creating a separate broadband category or classification for special access.

Qwest suggests that the Commission take this approach in addressing several of the questions on "middle mile" and special access facilities posed in the Notice.

- *How should we define the term middle mile?* As noted above, the Commission should forego this exercise. If it determined that "middle mile" should be defined, Qwest suggests the following definition:

  > Middle mile facilities are those unswitched broadband facilities used to connect two networks, regardless of the types of networks or the ownership of the networks.

- *Alternatively, to what extent should middle mile and special access facilities and services be included in the definition of broadband?* While middle mile and special access services and facilities should not be given a special classification within the broadband category, there is no reason to exclude broadband middle mile and broadband special access facilities and services from the overall broadband classification. However, raising the special access issue indicates that the Commission should be on alert for hidden agendas. LEC (especially ILEC) special access facilities often provide a cost-effective opportunity for other carriers and ISP providers to obtain broadband transmission capability without incurring the construction and other costs that would be entailed if they determined to connect their networks through their own facilities. This is especially true if ILEC facilities to a particular location are already in place. As a provider of broadband special access services, Qwest provides "middle mile"

facilities to a number of carriers and ISPs. In many cases Qwest's potential customers turn to other sources for this transmission service. It would clearly be inappropriate for the Commission to carve out a special category of broadband service for "special access," whether this category was to be included within a broader category of "middle mile" facilities or not.

- *What differences, if any, are there between middle mile and special access facilities and services?* The term "middle mile" describes how a broadband service or facility is used by the customer or by the owner of the facility. The classification tells that the facility is used to connect two networks. The term special access describes a common carrier point-to-point offering that is available to customers based on standard principles of common carriage. Special access services can be used for "middle mile" purposes, but there are numerous other types of facilities and services that provide "middle mile" capability. There are also numerous other uses for special access services and facilities. The terms describe different characteristics of services and facilities that sometimes overlap, and sometimes do not.
- *How do the capabilities of and needs for middle mile and special access services vary among rural, urban, and suburban environments?* Special access services are generally subject to vigorous competition in urban and suburban environments, especially in the case of high capacity circuits offered to large business customers. In rural areas, there is less competition—and, because of cost issues, there are fewer special access facilities available in rural areas as well. This presumably is true in the case of "middle mile" facilities as well. This does

not reflect anything unusual in the provisioning of special access or "middle mile" facilities. It simply is consistent with the reality, recognized by the Commission in the Notice, that economics will drive broadband deployment in urban areas more quickly than they will in rural areas. Special access and "middle mile" facilities, as types of broadband services and facilities, are subject to the same economics as other broadband facilities and services.

- *How do the availability of middle mile and special access facilities and services affect the delivery of broadband services to end users?* This is really the wrong question. Obviously a "network of networks" cannot provide the basis for a national telecommunications infrastructure unless the various networks interconnect with each other on an efficient basis. This is true no matter how the various network providers choose to interconnect—and is true even if the various networks have a common owner. The better approach is to examine whether networks are able to obtain interconnection with other networks and, if not, why. Qwest has seen no evidence of the inability of network providers to obtain connectivity with other networks.
- The issue instead seems to be one of price, not lack of availability. Qwest offers special access services on a common carrier basis, and these services can be used by customers to provide middle mile interconnectivity. In the case of DS1 and DS3 special access services, the prices are governed by tariff. However, if facilities are not already available to a given location, the customer may need to order construction as part of the tariff price. There is likewise no evidence that any carrier or ISP has been unable to interconnect its network with another

network because of the price of middle mile facilities, whether provided by means of ILEC special access or otherwise.

- In fact, as networks continue to develop in the United States, technology and cost will drive a number of deployment decisions. One such decision is how and where network nodes will be deployed. Because networks will need to interconnect with each other in order for there to be a truly national telecommunications infrastructure, node deployment will need to take into account interconnectivity. If it is economical to deploy multiple nodes, the reliance of network providers on middle mile interconnection will be reduced. In all events, while it is certainly true that the ability of networks to interconnect is an important part of national broadband development, focusing on ILEC special access and middle mile availability is not consistent with the actual dynamics that are likely to drive broadband growth in the future.
- *Are there areas of the country where middle mile and special access facilities are not available or are prohibitively expensive?* This question is confusing, as it seems to run contrary to fundamental economic principles. We assume that the Commission is asking whether middle mile and special access facilities in some areas, especially where facilities are not already in place, are so expensive that the purchaser will not be able to market its own product if forced to recover the cost of middle mile construction in its own products. In areas where this is the case, the Commission should look towards targeted subsidies to permit network providers to obtain the necessary interconnection with other networks. There are areas where Qwest cannot construct special access facilities at a price that

purchasers are willing to pay[20]—and presumably other potential suppliers are charging similar prices.

IV. THE COMMISSION SHOULD ENSURE THAT BROADBAND DATA GATHERING PROMOTES RATHER THAN IMPEDES BROADBAND DEPLOYMENT

As noted above, Qwest is appreciative of the Commission's efforts to compile a comprehensive set of information about the current state of broadband deployment. Qwest's concern is that the reporting requirements for carriers do not become so onerous or broad that it would impede or impair the actual deployment of broadband facilities. The various statutory provisions designed to gauge broadband deployment through creation of broadband maps will provide a wealth of data but will also create the potential for a web of overlapping data and reporting requirements that may undermine or impede the deployment of broadband to unserved or underserved areas. The way to avoid such a scenario would be to craft one confidential data set that would meet the information needs of the various agencies.[21] Since the Commission is involved in a number of these information gathering projects and since it is crafting a National Broadband Plan it is well positioned to make this universal confidential data set a reality.

Congress, in enacting the ARRA and the Broadband Data Improvement Act, recognized that mapping where broadband has been deployed is a crucial component of determining which

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[20] Given the heavily rural nature of parts of Qwest's service area, geographic issues do influence the ability to deploy special access facilities on an economical basis.

[21] Qwest hopes that the confidential treatment currently accorded to Form 477 data is consistently maintained throughout the various data gathering projects. Use of the data on an aggregated basis is not problematic, but when the data gets down to remote terminal locations on a network level or street address locations on a customer basis then privacy, network security and proprietary harms are implicated.

areas are in need of additional broadband resources.[22] The Commission had already reached this conclusion in its Order enhancing Form 477 reporting.[23] Based on the importance accorded to broadband mapping, the following reporting requirements have been implemented:

- The Commission overhauled its Form 477 by expanding the number of speed tiers a broadband provider was required to report and utilizing the census tract as the baseline unit by which carriers would report their data;[24]
- Congress enacted the Broadband Data Improvement Act which imposes data collection requirements on the Commission and other federal agencies pertaining, among other things, to demographic information about unserved areas, international comparisons of broadband service capability and impact of broadband speed and price on small businesses;[25]
- The ARRA directed NTIA to create a nationwide inventory map of existing service broadband capability by February and tasked NTIA with developing a state-level grant program for broadband availability mapping projects;[26]

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[22] *See* American Recovery and Reinvestment Act of 2009 ("ARRA"), 123 Stat. 115; 47 U.S.C. §§ 1302-1304.

[23] *Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, WC Docket No. 07-38, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 9691, 9700-01 ¶ 20 n.66, 9708-09 ¶ 34 (2008) ("*2008 Broadband Data Gathering Order*"), Order on Reconsideration, 23 FCC Rcd 9800 (2008) ("*2008 Broadband Data Gathering Reconsideration Order*").

[24] *2008 Broadband Data Gathering Order*, 23 FCC Rcd at 9696-97 ¶ 12.

[25] *See* BDIA, §§ 101-103, 122 Stat. at 4096-98; 47 U.S.C. §§ 1301-1303.

[26] ARRA, § 6001(l), 123 Stat. at 516.

- The Commission also currently collects data regarding the deployment of mobile broadband network, cable system broadband data, and will be creating a consumer broadband registry.[27]

The set of data that will result from these various efforts will certainly be comprehensive and will allow interested parties to be able to examine factors in broadband deployment that stretch beyond geography such as income level, race, age, and many other categories. At the same time, there is a danger of "apples-to-oranges" comparisons when different baseline units are used, *i.e.*, census tract vs. census block and services vs. households passed.

In addition to possible confusion over what the data shows, the reporting requirements could become unduly burdensome. For instance, if a carrier produces service data based on a census tract level, the jump down to a census block level is significant. For instance, Qwest recognized in its first experience with the new Form 477 reporting that locations did not translate perfectly into census tract based on subtle differences in the manner in which the location was identified in Qwest's records as compared to census information. Slight differences in address formats could cause a location to fall out of the census tract designation and require manual process. Conceivably this will be even more of a problem at the census block level. Since the NTIA report, which already is different in its use of census block, focuses on households passed as opposed to services subscription, the resulting reports will be significantly different to the Form 477 reports.

Qwest, therefore, urges that the agencies, to the extent possible, should craft one single data set that will address the various mapping requirements. A multitude of differentiated maps will not lend any more clarity to the state of broadband deployment. The Commission actually is

[27] *Section 706 NOI*, ¶¶ 22-24.

well-positioned to be the entity that would facilitate the migration to one data set. As it notes, it will be privy to data from a number of sources, including the NTIA, GAO, SBA, and Census Bureau Data.[28] This is on top of the data it already compiles via Form 477, and the soon-to-be developed international comparative study and consumer survey. Thus, the Commission is not only in the best position to identify data that provides the most useful analytical tools but also to crystallize the reporting requirements into one data set. Obviously, there are some immediate priorities related to the stimulus funding that will necessitate more than one data set such as NTIA's Census block approach. The Commission should wait until the products of the various data gathering efforts are produced and analyzed to seek comment from carriers on how processes like the Form 477 data gathering could be improved. At that point carriers could opine on best practices, and regulators would be able to determine the marginal value of additional granularity in data vis-à-vis additional reporting costs to carriers. But after the various mapping projects are implemented, there is more potential for crafting the various reporting requirements into one data set perhaps under the framework of Form 477 reporting.

Qwest also urges the Commission to be wary of premature calls to make the Form 477 reporting more detailed or granular or to make the data gathered more comprehensive than it already is.[29] After all interested parties have had a chance to view the products of the various data gathering projects, they can recommend modifications, if any, needed. Qwest finds that the generation of the Form 477 report already requires a significant commitment of time and

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[28] The ARRA provides that "the Commission shall have access to data provided to other Government agencies under the Broadband Data Improvement Act (47 U.S.C. 1301 note)." *ARRA*, § 6001(k)(3), 123 Stat. at 516.

[29] Comments of Free Press, WC Docket Nos. 07-38, *et al.*, July 30, 2009, at 3, 23-26; Reply Comments of Free Press, WC Docket Nos. 07-38, *et al.*, Aug. 4, 2009 at Section II.B. (not paginated).

resources. Adding to the reporting requirements will further tax carrier resources particularly for carriers that have to rely more on manual processing of the reports. The Commission should first evaluate a set of maps/reports generated via the Form 477 reporting and then determine if modifications are necessary. This approach will ensure that any further reporting requirements provide more benefits than the additional costs imposed.

V. CONCLUSION

The Commission is utilizing a prudent approach in reviewing and enhancing its role in effecting the mandate of Section 706. It is correctly gathering information first, and then creating approaches based on the information it receives. This approach will allow it to focus on areas in which it needs to intervene or act to ensure that advanced telecommunications capability is being deployed in a reasonable and timely manner.

Respectfully submitted,

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September 4, 2009

CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.** to be: 1) filed with the FCC via its Electronic Comment Filing System in GN Docket Nos. 09-137, 09-51; 2) served via email on the Wireline Competition Bureau, Federal Communications Commission at cpdcopies@fcc.gov; and 3) served via email on the FCC's duplicating contractor, Best Copy and Printing, Inc. at fcc@bcpiweb.com.

/s/ Ross Dino

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